



January 15, 2008

## SENATE BILL No. 98

DIGEST OF SB 98 (Updated January 14, 2008 11:14 am - DI kc)

**Citations Affected:** IC 6-1.1; noncode.

**Synopsis:** Payments in lieu of taxes for DNR land. Requires the department of natural resources (DNR) to make a semiannual payment in lieu of property taxes (PILOT) for land owned or leased by the DNR, except for land used as a state park. Allows: (1) a county; and (2) a conservancy district; in which land owned by the DNR is located to collect a PILOT. Provides that for purposes of calculating a PILOT, the land is considered to have an assessed value of 1/3 of the statewide agricultural land value base. Establishes the PILOT transfer account within the state general fund and appropriates from the state general fund to the PILOT transfer account the amount necessary to make required distributions to counties and conservancy districts.

**Effective:** January 1, 2008 (retroactive).

**Waterman**

January 8, 2008, read first time and referred to Committee on Rules and Legislative Procedure.  
January 14, 2008, amended; reassigned to Committee on Appropriations.

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SB 98—LS 6080/DI 13+



January 15, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 98

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2008 (RETROACTIVE)]:

4 **Chapter 21.3. Payments in Lieu of Property Taxes**

5 **Sec. 1. As used in this chapter, "department" refers to the**  
6 **department of natural resources.**

7 **Sec. 2. As used in this chapter, "PILOT" refers to a payment in**  
8 **lieu of taxes.**

9 **Sec. 3. As used in this chapter, "statewide agricultural land**  
10 **value base" means the statewide land value base for one (1) acre of**  
11 **agricultural land, as determined by the department of local**  
12 **government finance and in effect on March 1 of the year**  
13 **immediately preceding the year in which a PILOT is due and**  
14 **payable under this chapter.**

15 **Sec. 4. (a) This section does not apply to property owned or**  
16 **leased by the department and used as a state park.**

17 **(b) The following are authorized to collect a PILOT from the**



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department:

(1) A county in which land described in subsection (c) is located.

(2) A conservancy district in which land described in subsection (c) is located.

(c) The department shall make a PILOT on May 1 and November 1 of each year with respect to land that is:

(1) owned or leased by the department on March 1 of the previous year; and

(2) subject to an exemption from property taxes.

Sec. 5. The PILOT paid under section 4 of this chapter equals the amount of property taxes that would have been levied upon the land described in section 4(c) of this chapter if the land were assigned an assessed value equal to the product of:

(1) the number of acres included in the parcel of land; multiplied by

(2) thirty-three and one-third percent (33 1/3%) of the statewide agricultural land value base.

Sec. 6. Not later than September 1 of each year, the auditor of state shall provide the township assessor of each township in which land described in section 4(c) of this chapter is located with a report of:

(1) the number of acres of land described in section 4(c) of this chapter that are located in the township; and

(2) any other information required by the department of local government finance;

on a form prescribed by the department of local government finance. However, with the consent of the department of local government finance, the auditor of state may distribute the information required under this section in an electronic format.

Sec. 7. A PILOT is billed, is due, bears interest if unpaid, and is distributed to a political subdivision described in section 4(b) of this chapter in the same manner as ad valorem taxes on property. A PILOT is treated in the same manner as a property tax for purposes of the procedural and substantive provisions of law.

Sec. 8. The department of local government finance shall prescribe a form for the transfer of information required under section 6 of this chapter. The department of local government finance may adopt standards for the transfer of information under section 6 of this chapter that are necessary to assist townships, counties, and conservancy districts with the implementation of this chapter.

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1        **Sec. 9. (a) The PILOT transfer account is established within the**  
 2        **state general fund to provide money for the distributions of**  
 3        **PILOTS under section 7 of this chapter. The account is**  
 4        **administered by the auditor of state.**

5        **(b) Expenses of administering the account are paid from money**  
 6        **in the account.**

7        **(c) The treasurer of state shall invest the money in the account**  
 8        **not currently needed to meet the obligations of the account in the**  
 9        **same manner as other public money may be invested.**

10       **(d) Money in the account at the end of a state fiscal year does**  
 11       **not revert to the state general fund.**

12       **(e) There is annually appropriated from the state general fund**  
 13       **to the account the amount necessary to make the distributions**  
 14       **under section 7 of this chapter.**

15       **(f) There is continuously appropriated from the account an**  
 16       **amount necessary to make the distributions under section 7 of this**  
 17       **chapter.**

18       **SECTION 2. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]**

19       **(a) Notwithstanding IC 6-1.1-21.3, as added by this act, a PILOT**  
 20       **(as defined in IC 6-1.1-21.3-2, as added by this act) is initially due**  
 21       **for property taxes first due and payable after December 31, 2008.**

22       **(b) The department of local government finance shall prescribe,**  
 23       **not later than August 1, 2008, a form for reporting the information**  
 24       **required under IC 6-1.1-21.3-6, as added by this act.**

25       **(c) This SECTION expires December 31, 2009.**

26       **SECTION 3. An emergency is declared for this act.**

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## SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 98 and that Senator Waterman be substituted therefor.

LONG

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 COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 98 as introduced.)

LONG, Chairperson

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